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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,482	03/05/2004	Peter J. Kumpon	47320.0146	2481
25928	7590	11/02/2005	EXAMINER	
CHRISTOPHER J. KULISH, ESQ HOLLAND & HART LLP P. O. BOX 8749 DENVER, CO 80201-8749			EVANS, JEFFERSON A	
			ART UNIT	PAPER NUMBER
			2652	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/708,482	<b>Applicant(s)</b> KUMPON ET AL.	
	<b>Examiner</b> Jefferson A. Evans	<b>Art Unit</b> 2652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6-15 is/are rejected.
- 7) ☒ Claim(s) 4,5 and 16-18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

Claims 1 to 20 are pending.

***Specification***

1. The title of the invention is not adequately descriptive. A new title is required that is more clearly indicative of the invention to which the claims are directed by making some reference to an inventive aspect of the tape cartridge magazine.

***Drawings***

2. The drawings are objected to because the line quality of many of the figures is bad, making some details difficult to see. Also, the some of the reference characters and lead lines are hard to read and/or poorly drawn.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 and 8-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Herger et al (U.S. 4,984,106). Herger discloses a data cartridge library comprising: a 24 frame that defines an interior space; a data cartridge magazine (52A-52F), operatively attached to said frame and located within said interior space, for providing a plurality of data cartridge storage spaces; a drive (56A-56E), operatively attached to said frame and located within said interior space, for writing data onto a recording medium within a data cartridge and reading data from a recording medium within the data cartridge; a picker (400) that is capable of grasping a data cartridge, releasing a grasped data cartridge, inserting a grasped data cartridge into a data cartridge storage space in said data cartridge magazine, inserting a grasped data cartridge into said drive, retracting a grasped data cartridge from a data cartridge storage space in said data cartridge magazine, and retracting a grasped data cartridge from said drive; an elevator (100) for moving said picker such that said picker can perform grasping, retracting and inserting operations in the moving of a data cartridge between any one of said data cartridge

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storage spaces and said drive; and a transport support structure (104,106,108); wherein said elevator is operatively connected to said transport support structure, wherein said picker is operatively connected to said elevator; and a user-actuable connector that allows a user: (a) to attach a transport module comprising said transport support structure, at least a portion of said elevator, and said picker to said frame, and (b) to detach said transport module from said frame in that the transport support structure, elevator, and picker are all supported by a door (26) which is removable from the frame (column 18 – lines 25 to 40). Hinge 28 can be considered the first connector portion and a structure such as bracket 144 can be considered the second connector portion. Motors 118 and 254 are both part of the transport module. Carriage 112 can be considered to have forces applied to different sides by the motors 118 and 316.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herger et al. Herger does not appear to expressly disclose his second connector portion, the bracket 144, as including a screw or a captured screw.

Official Notice is given that screws were notoriously old and well known for use in mounting a bracket to a structure such as a frame

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a screw to mount the bracket 144 of Herger to the frame. The motivation would have been: screws were a universally recognized and utilized means of attachment.

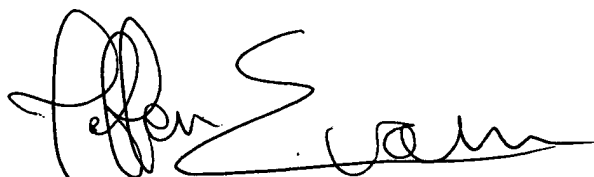
***Allowable Subject Matter***

7. Claims 4, 5, and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jefferson A. Evans whose telephone number is 571-272-7574. The examiner can normally be reached on Monday to Friday, 9:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JAE

October 30, 2005

Jefferson A. Evans  
Primary Examiner  
Art Unit 2652

**JEFFERSON EVANS  
PRIMARY EXAMINER**